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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,264	12/12/2001	Michael Wayne Brown	AUS920010826US1	1742
43307	7590	01/21/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			UBILES, MARIE C	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,264	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Marie C. Ubiles	<b>Art Unit</b> 2642	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on September 7, 2004 has been entered. Claims 1, 12 and 23 have been amended. No claims have been cancelled. No claims have been added. Claims 1-54 are still pending in this application, with claims 1, 12, 23, 30, 44, 50, 52 and 54 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-3, 5, 12-14, 16, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240).

As for claims 1 and 3, previously claimed limitations are rejected for the same reasons as stated in the Office Action mailed 6/4/2004. In regards to the newly introduced limitations that recite "an incentive to voice browse..." and "*wherein said incentive comprises a value redeemable in a transaction independent of said particular caller waiting in said hold queue.*", reads on the teachings of Walker et al. regarding the use of a flag on the customer profile indicating the denial of complimentary entertainment options to fraudulent customers (See, for example, Col. 2, lines 3-14).

It would have obvious to one of ordinary skill that returning preferred customers will be offered complimentary paid entertainment services (i.e. voice web browsing) on subsequent calls to the call center, their good standing is reflected on the caller profile.

The claimed "value redeemable in a transaction independent of said particular caller waiting in said hold queue" reads, for example, in a complimentary service offered to a returning customer in good standing (i.e. with no flag). As taught by Walker et al., the complimentary service is denied to customers who have previously made fraudulent usage, the term "previously" implies a past transaction, therefore; it would have been obvious to one of ordinary skill that the decision to offer the complimentary service was based on an independent transaction performed by the customer currently in a hold queue. The limitation stating that "an incentive" -is offered- "to voice browse" reads on the implied action of the caller accepting the complimentary service.

Regarding, claims 5 and 16, the "said incentive comprising at least ... membership points" reads for example on a returning customer in good standing being able to use the complimentary service, offering "complimentary service" to a returning customer, for example, in well-known preferred customer programs.

2. Claims 4, 6-8, 10-11, 15, 17-19, 21-22, 26-29 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as per the reasons set forth in the Office Action mailed 6/4/2004.

3. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) in view of Uppaluru (US 5,915,001), as per the reasons set forth in the Office Action mailed 6/4/2004.

4. Claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240).

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As for claims 30, 31 and 34, Walker et al. discloses a customer account database that maintains a plurality of records, each associated with a different customer, the customer account database includes the customer's address and telephone number (i.e. receiving a call for a caller with an authenticated identity at a hold queue, as read on having a customer's account database including a telephone number)(See *Description*, Col. 7, line 66- Col. 8, line 4); the customer data indicates any purchases or reservations made by the customer, relevant customer history or other information that may be required by the call center (i.e. accessing a caller profile stored in association with said authenticated identity)(See *Description*, Col. 8, lines 4-9).

Walker et al. disclose that the caller may voice browse the Web.

Further, as per Walker's teachings, the customer may be denied access to a "complimentary service" based on information residing on his or her records, thus making obvious to one of ordinary skill that the ability of user to voice browse while waiting on hold is limited by the information contained in his or her records; the caller, as previously discussed in Office Action mailed on June 4, 2005, may select his or her preferred website from a list provided by Walker's system (i.e. specifying a voice XML script according to said caller profile, such that voice browsing while waiting in said hold queue is specified by the caller

Claims 37-38, 41, 44-45 and 48 are rejected for the same reasons as claim 30-31 and 34.

As for claims 35 and 42, Walker et al. disclose a caller in a queue of a call center is presented with a list or menu of available web sites, as previously stated, the textual

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portions of a premium web site may be converted to speech for presentation to the caller (i.e. selecting at least one web page from among a plurality of accessible web pages for said caller to voice browse)(See *Abstract, lines 1-3 and Description, Col. 6, lines 12-32*); access to the entertainment options or web pages can be provided to the caller in a complimentary basis, thus the caller may voice browse the chosen web site as part of a complimentary service offered during his or her call to the call center. (i.e. offering an incentive for said caller to voice browsing said at least one web page)(See *Description, Col. 4, lines 26-28*).

As for claims 36, 43 and 49, the same rationale used to reject claims 50 and 52 applies.

5. Claims 32, 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as applied to claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of Walker et al. (US 5,978,467).

Walker et al. ('240) teaches the system as claimed except for authenticating said identity of said caller at a switching network transferring said call to said hold queue.

Walker et al. ('467) teaches "Initially, a caller places a call to a customer service provider (box 100). The incoming caller's telephone number is detected by an automatic number identification (ANI) facility. In response to voice prompts from IVRU 14, and in conjunction with control commands from ACD 12, PBX 10 then inputs information regarding the call to ACD 12 (box 102). One such piece of information may

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be the subject matter of the call. For instance, IVRU 14 may provide a series of subjects to the caller, and ask the caller to respond by depressing a specified key to identify a particular subject (e.g. "press 1 for printer problems, press 2 for modem problems"). Once the call information has been entered by ACD 12 into call database 36, the system determines whether an appropriate agent is available (decision box 104). If so, the call is routed to the agent's phone and the information associated with the call is transmitted to the agent's terminal (box 106) [...]." (*See Detailed Description, Col. 6, line 48-Col 6, line 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker et al. ('240) system by adding the step of detecting the incoming call by an automatic number identification (ANI) facility (i.e. authenticating said identity of said caller at a switching network transferring said call to said hold queue) as taught by Walker et al. ('467); and thus in this manner allow the system to start a caller profile based on the caller's telephone number.

6. Claims 33, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as applied to claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of Eitel et al. (US 5,933,828).

The combination of Walker et al. ('240) and Saylor et al. teach the system as claimed except for accesing said caller profile from a caller profile server accessible to a plurality of call centers via said network.

Eitel et al. teaches a method for monitoring on hold characteristics, comprising, receiving monitored on hold characteristics according to a caller identifier (or *DNIS* or *ANI*) from at least one call center (or *ACD*) at said caller which has waited in a hold queue of a call center communicatively connected to a caller profile server (See *Detailed Description, Col. 3, lines 48-54 and 61-65*) and that this method can be applied among a plurality of call center (or *ACDs*) (See *Detailed Description, Col. 3, lines 19-24*).

It would have been obvious to one of ordinary skill in the art to modify the invention to work with a plurality of call centers, as taught by Eitel et al., and thus allowed the call to be handled more efficiently in case of a heavy call work load.

### ***Response to Arguments***

7. Applicant's arguments filed September 7, 2004 have been fully considered but they are not persuasive.

8. Regarding claims 1-4, 9, 12-15, 20, 23-26, the Applicant argues that Walker et al. ('240) "merely teaches offering the complimentary service, but does not teach offering a redeemable incentive for the user waiting on hold to use the complimentary service".

Claims are rejected for the reasons discussed in the body of the rejection above.

Further, Examiner respectfully disagrees with the definition of "incentive" as explained by Applicant in Page 21 of Amendment dated 9/7/2004. The Applicant noted that "incentive" does not equate offering a "complimentary service". The word "incentive" is defined as "a reward [something given or received in recompense for worthy]



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behavior” (See The American Heritage College Dictionary, 4<sup>th</sup> Ed.) and “complimentary” as “[something] given free to repay a favor”; in Walker’s system, the “complimentary service” is offered to customers in good standing (i.e. not flag), therefore as means to reward customer’s previous actions.

Regarding Applicant’s argument that Examiner did not point how Walker “suggest the desirability of not offering complimentary voice browsing...” (page 29 of Amendment) is irrelevant of the reasons provided for combination.

9. As for claims 6-8, 17-19, 27-29, 50, 52 and 54, Applicant argues that the Walker et al. (‘240) merely “identifies the line number from which a call is placed and does not accurately identify the person placing the call using the telephone service associated with the line number”. Examiner respectfully disagrees with Applicant’s arguments.

Based on authentication of an ANI and dialed number identification service (DNIS) for a call, a user identity can be recognized and based on the outcome can be either approved or denied a service (i.e. a credit card activation may be performed from a customer’s telephone number residing in a database, the telephone number is used to authenticate the customer).

10. Regarding claims 10-11, 21-22, 51 and 53, on page 24 of Amendment dated 9/7/2004; Applicant requested evidence to support Examiner’s rejection. Examiner’s therefore is providing Applicant with Merriman et al. (US 5,948,061), the provided reference teaches that targeting of advertising over the Internet by using cookies was well-known at the time of the invention.

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Further, Applicant argues in page 26 of Amendment that "cookies are merely text files...", therefore, Examiner provides Wengrovitz (US 2002/0147818). Wengrovitz teaches that cookies also exist as voice file.

11. Applicant's arguments with respect to claims 5, 16, 30-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles

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January 8, 2004.

A handwritten signature in black ink, appearing to read "Ahmad Matar". The signature is fluid and cursive, with the first name "Ahmad" and last name "Matar" clearly distinguishable.

AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600